

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GOVERNOR JESSE VENTURA, a/k/a))	
James G. Janos, individually,))	
)	
Plaintiff,))	
)	
v.))	No. 11-cv-00174 (SRN/AJB)
)	
JANET NAPOLITANO,))	
Secretary of the Department of))	
Homeland Security, <i>et al.</i> ,))	
)	
Defendants.))	
_____))	

OPPOSITION TO THE MOTION TO INTERVENE

Piero A. Bugoni, appearing *pro se*, has filed his motion to intervene [Docket No. 13] as a plaintiff pursuant to Federal Rule of Procedure 24(a)(1) on behalf of a class that he calls “American Travelers,” although he does not explain who those individuals are, or how he represents the interests of the class. The motion to intervene presently before the court is framed with the scantest of factual support and completely devoid of legal support. It should summarily be denied.¹

Federal Rule of Civil Procedure 24(a)(1), under which Mr. Bugoni seeks to

¹ This is not the first case in which Mr. Bugoni has attempted to assert a class action against law enforcement officers. Earlier this year, the Southern District of Florida dismissed a complaint brought by Mr. Bugoni against 32 defendants, “including state court judges, bailiffs, police officers, state officials, and a police dog” for failing to comply with the Federal Rules of Civil Procedure and because the Complaint was frivolous. *See* Civ. Action No. 10-80867 (S.D. Fla.), Feb. 9, 2011 slip op. at 1, 13 [Doc. No. 11]. The court noted that the complaint was “disjointed and confusing,” “riddled with allegations that are so irrelevant and offensive that including them in the complaint is completely inappropriate,” included “patently frivolous” claims and sought “plainly frivolous” relief. *Id.*, slip. op. at 1-3. The Eleventh Circuit dismissed the appeal for failure to prosecute. *See* Civ. No. 11-11677 (11th Cir. 2011).

intervene, allows intervention for a timely movant who “is given an unconditional right to intervene by a federal statute.” Mr. Bugoni does not reference any statute that allows him an unconditional right to intervene. In fact, the only statute mentioned in the motion is 42 U.S.C. § 1983, which not only lacks an unconditional right to intervene, but is not even applicable to this lawsuit against the federal government.

Even if Mr. Bugoni could somehow meet the requirements of Rule 24(a)(1) (or any other subsection of Rule 24), he would still be unable to intervene because he has not demonstrated that he has standing. The Eighth Circuit has concluded that “the Constitution requires that prospective intervenors have Article III standing to litigate their claims in federal court.” *Mausolf v. Babbitt*, 85 F.3d 1295, 1300 (8th Cir. 1996). “While Rule 24 promotes judicial economy by facilitating, where constitutionally permissible, participation of interested parties in others’ lawsuits, the fact remains that a federal case is a limited affair, and not everyone with an opinion is invited to attend.” *Id.* at 1301. Here, Mr. Bugoni does not demonstrate any injury in fact, which is a necessary element of standing. *Id.* The motion is devoid of any factual allegations whatsoever about an alleged injury, or that he even has plans to travel by air or would otherwise come into contact with the TSA policies that he allegedly wishes to challenge.

Assistant United States Attorney, Ana H. Voss, has spoken to counsel for the Plaintiff, Governor Jesse Ventura, and he joins in this opposition to the motion to intervene.

Because movant has not meet the requirements for intervention, either under Rule 24(a)(1) or under Eighth Circuit law, his motion to intervene should be denied.

Dated: May 31, 2011

Respectfully submitted,

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